

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In the Matter of the Complaint	:
	:
of	:
	:
VERPLANCK FIRE DISTRICT, as Owner of the	:
Firefighting Vessel MARINE I, for Exoneration	:
from or Limitation of Liability	:
-----X	

DOCKET NO: 21-cv-2954

**ORDER APPROVING *AD*  
*INTERIM* STIPULATION  
FOR VALUE, DIRECTING  
ISSUANCE OF NOTICE  
AND ENJOINING ACTIONS**

An Amended Complaint having been filed herein on September 20, 2021, by the above-named Plaintiff, as owner of the Firefighting Vessel MARINE I, seeking exoneration from or limitation of liability pursuant to 46 U.S.C. § 30501 *et seq.* (formerly 46 U.S.C. § 181 *et seq.*), and the statutes supplemental thereto and amendatory thereof, and Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, for any loss, damage, injury or death caused by or resulting from an incident that occurred on August 9, 2020, as more fully described in the Amended Complaint;

AND the Amended Complaint having stated the facts and circumstances upon which exoneration and limitation are claimed, and it appearing that claims may be made against the Plaintiff in an amount that will exceed the amount or value of the Plaintiff's interest in the said vessel after the incident and her pending freight;

AND an *Ad Interim* Stipulation for Value dated September 13, 2021, executed by FDM Preferred Insurance Company, Inc., in the sum of \$27,500.00 having been filed by Plaintiff for the benefit of all claimants herein as security for the payment of all claims, 6% interest and court costs that may be awarded against the Plaintiff or the said vessel in this proceeding;

NOW, on application of Nicoletti Hornig & Sweeney, attorneys for Plaintiff, it is

ORDERED that the above-described *Ad Interim* Stipulation for Value filed by the Plaintiff for the benefit of claimants in the sum of \$27,500.00 with 6% interest and court costs as security for the amount or value of the Plaintiff's interest in the said vessel after the incident and her pending freight and court costs be, and the same hereby is, approved pending further appraisalment as may be ordered by the Court upon motion and good cause shown pursuant to Supplemental Rule F(7); and it is further

ORDERED that a Notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Amended Complaint seeks exoneration or limitation admonishing such persons to file their respective claims with the Clerk of this Court in writing, and to serve on the attorneys for the Plaintiff a copy thereof on or before the 10th day of January, <sup>2022</sup>~~2021~~, or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, that claimant shall also file with the Clerk of this Court and serve on the attorneys for the Plaintiff an answer to the Amended Complaint on or before the said date unless the claim includes an answer, so designated, or be defaulted, and it is further

ORDERED that the aforesaid notice shall be in the form of the notice attached hereto ~~as~~ ~~Exhibit A~~, and that the said notice shall be published as provided by Supplemental Rule F(4) in the Journal News, and copies of the notice shall be mailed in accordance with Supplemental Rule F(4); and it is further

ORDERED that the further prosecution of any and all suits, actions and proceedings now pending, and the institution of any and all suits, actions or proceedings of any nature or description whatsoever in any jurisdiction, and the taking of any steps and the making of any motion in such suits, actions or proceedings against the Plaintiff, or either of them or against the said vessel, except in the present proceeding, in respect of any loss, damage, injury or death arising out of the said

incident or trip involving the vessel as alleged in the Amended Complaint, be and they hereby are restrained, stayed and enjoined until the hearing and determination of this proceeding; and it is further

ORDERED that service of this Order as a restraining order may be made through the United States Postal Service by mailing a conformed copy of this Order to the person or persons to be restrained, or to their respective attorneys, or alternatively by electronic mail.

Dated: White Plains, New York

~~September \_\_, 2021~~

November 19, 2021



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Hon. Philip M. Halpern  
District Judge  
United States District Court for the Southern  
District of New York

**\*\*\* The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 9. \*\*\***

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VERPLANCK FIRE DISTRICT, as Owner of the	:
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DOCKET NO: 21-cv-2954

**NOTICE OF COMPLAINT FOR  
EXONERATION FROM OR  
LIMITATION OF LIABILITY**

NOTICE is given that the above-named Plaintiff has filed an Amended Complaint pursuant to 46 U.S.C. § 30501 *et seq.*, the statutes supplemental thereto and amendatory thereof, and Supplemental Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, seeking exoneration from or limitation of liability for all claims for loss, damage, injury or death arising out of or occurring on August 9, 2020, when the subject vessel, the Firefighting Vessel MARINE I, was involved in an incident on the Hudson River while responding to an emergency call.

All persons having such claims must file their respective claims, as provided in Supplemental Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, with the Clerk of this Court located at the Daniel Patrick Moynihan United States Court House, 500 Pearl Street, New York, New York 10007 and must serve a copy thereof on the attorneys for the Plaintiffs, Nicoletti Hornig & Sweeney, Wall Street Plaza, 88 Pine Street, 7th Floor, New York, New York 10005 on or before the \_\_\_\_ day of \_\_\_\_\_, 2021 or be defaulted.

If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, the claimant shall also file with the Clerk of this Court and serve on the

attorneys for the Plaintiff an answer to the Amended Complaint on or before the aforesaid date unless the claimant's claim includes an answer so designated, or be defaulted.

Dated: White Plains, New York  
, 2021

Clerk of the Court  
United States District Court for the  
Southern District of New York